



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,395	03/14/2001	K. Theodor Krantz	05918-117001	3672

26161 7590 07/29/2004  
FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110

EXAMINER
----------

PIAZZA CORCORAN, GLADYS JOSEFINA

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/808,395

### Applicant(s)

KRANTZ ET AL.

### Examiner

Gladys J Piazza Corcoran

### Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 84,85,87-90 and 92-103 is/are pending in the application.
- 4a) Of the above claim(s) 92 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 84,85,87-90 and 93-103 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/10/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species I and Species A in the reply filed on May 10, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claim 92 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II, there being no allowable generic or linking claim. Election was made without traverse in the paper filed May 10, 2004.

### ***Information Disclosure Statement***

3. The information disclosure statement filed August 20, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to for the foreign references, as indicated by the lines through the citations, has not been considered. It is noted that Applicant states in the remarks sections that the foreign references are being submitted under separate cover, however the submission was not present in the electronic file as of the date of this office action.
4. It is noted that the reference US Patent No. 5,231,738 has been crossed out on the Information Disclosure Statement filed November 10, 2004 as the reference has already been cited and considered in the Information Disclosure Statement filed on August 20, 2001.

***Specification***

5. The disclosure is objected to because of the following informalities: The Specification page 34, line 30 to page 35, line 1 recites, "U.S. Patent application number \_\_\_\_\_," in which the number/status should be updated.

Appropriate correction is required.

***Inventorship***

6. In view of the papers filed on November 10, 2003, the inventorship in this nonprovisional application has been changed by the deletion of Shawn C. Banker.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 1733

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 84, 85, 88, 89, 93-95, 97-103 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tuman et al. (US Pub. No. 2001/0016245) optionally in view of Kennedy et al. (US Patent No. 5,260,015).

Tuman discloses a method of forming a fastener product by providing a rotating mold roll (tool roll 56) having mold cavities shaped to form loop-engageable fastener elements ([0032]), introducing in a longitudinal direction separate spaced apart amounts of molten resin to the mold roll in a manner to fill the mold cavities and form respective resin bases at the surface of the mold roll (see figures, [0008], [0009], [0031], [0035]), introducing a pre-formed, elastically stretchable sheet material (web) to the spaced apart amounts of resin to laminate a surface of the material to the bases ([0024], [0033]), the bases being spaced apart from each other and the sheet material extending laterally across the resin bases such that the surface is exposed in at least one resin-free region

Art Unit: 1733

of the material extending between the bases ([0020]), cooling the resin in the mold cavities to form molded fastener hook elements integrally molded with and extending from the bases([0033]), and then pulling the molded fastener hook elements from the mold cavities of the rotating mold roll to separate the molded fastener hook elements from the mold to form an elastic web carrying fastener hook elements([0033]).

As to the limitation that the cavities in the mold roll form "hook" elements, Tuman discloses that the cavities in the mold form the stems in any desired configuration and that the stems may be hooks for hook and loop fasteners ([0021]) and that the stems may be formed to provide directional hooks ([0029]). Alternatively, should the directional stems not be considered hooks, it is well known in the art when forming hook fastener elements on a roll to provide the roll with the desired end configuration of the hook in order to avoid additional process steps. Kennedy shows one example of a mold tool for forming hook elements where the mold tool cavities are shaped to form the hook elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the mold tool in Tuman with cavities that are shaped to form hook elements in order to provide the stems as hook elements without any additional steps as is considered well known in the art and further exemplified by Kennedy.

As to claim 85, the mold roll in Tuman has cavities arranged to form longitudinally continuous, spaced apart bands of loop-engageable fastener hook elements ([0008], [0009]). As to claim 88, the elastically stretchable material in Tuman includes at least a textile component ([0024], see examples of multi-layer substrates). As to claim 89, the textile component comprises a stretchable non-woven material that defined hook-

Art Unit: 1733

engageable loops ([0023] and see examples). As to claim 93, the molded hook elements are molded to have crooks that individually point in a given respective direction ([0021], [0029], [0030]). As to claim 94, the bases comprise longitudinally continuous bands of the resin, with longitudinally exposed regions of sheet material there-between ([0008], [0022], [0035]). As to claim 95, Kennedy shows the conventional hook shape for molded hook fastener elements in which the fastener hook elements each have a molded stem that tapers outwardly to narrower dimension from a relatively wide width at its base (see figures). As to claim 97, the pre-formed sheet material comprises a layer of thermoplastic elastomer ([0024] and examples). As to claims 98 and 99, the pre-formed sheet material has at least one side which defines hook-engageable loops exposed for engagement by fastener hook elements and lies on the same side of the pre-formed sheet material as and closely adjacent to the bases ([0023]). As to claim 100, the pre-formed sheet material comprises multiple layers, including a pre-formed upper layer to which the bases are laminated ([0024] and examples). As to claim 101, the pre-formed sheet material includes a lower, elastically stretchable layer (see examples). As to claims 102 and 103, Tuman discloses embodiments where the resin-free region of the pre-formed sheet material is wider than the bases adjoining the resin-free region and the resin-free region is between about two and five times wider than the adjoining bases ([0022]).

11. Claims 87-90, 96, 97, 100, 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuman et al. optionally in view of Kennedy et al. as applied to claim

Art Unit: 1733

84 above, and further in view of Weirich (WO 97/25893), Verona (WO 99/22619 or US Patent No. 6,197,404), and/or Shepard '452 (WO 99/11452).

Tuman discloses that the pre-formed sheet material is an elastic material (multi-layered) that includes loop structures for locking with the stems ([0023], [0024]). It would have been well within the purview of one of ordinary skill in the art at the time of the invention to provide the pre-formed sheet material out of conventionally known elastic materials for loop structures. For example, Weirich, Verona, and/or Shepard '452 all disclose known elastic materials for loop structure layers. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the pre-formed elastic sheet material in Tuman with well known and conventional materials in the art as exemplified by Weirich, Verona, and/or Shepard '452, only the expected results would be attained.

As to claims 87 and 96, Weirich and Verona both show a known material for loop fastener webs where the material is elastically stretchable in only a transverse direction. As to claims 88 and 89, Weirich, Verona, and/or Shepard '452 all disclose that the elastic material includes a textile component that is a stretchable nonwoven material that defines hook engageable loops. As to claim 97, Weirich discloses that the sheet comprises a layer of thermoplastic elastomer. As to claim 100, Weirich discloses the web comprises multiple layers including an upper layer (this layer would be the layer laminated to the bases; trilaminate). As to claim 101, in Weirich the preformed sheet material includes a lower elastically stretchable layer (trilaminate).



As to claim 90, the nonwoven material in Shepard '452 comprises a needled batt of staple fibers which has been stretched in both directions with a binder stabilizing the material in said stretched state. Verona discloses it is known in the art to stretch the web substantially in one direction only while the batt has been allowed to neck in the cross machine direction, whereby the material is substantially elastically stretchable in only one direction corresponding to the direction in which it has not been stretched during manufacture in order to form a material stretchable in the cross machine direction. It would have been obvious to one of ordinary skill in the art at the time of the invention to stretch the nonwoven material in Shepard '452 in order to allow the material to stretch in the cross machine direction as shown by Verona, only the expected results would be attained.

12. Claims 84, 85, 87-90, 93-97, 99-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murasaki (US Patent No. 5,643,651) in view of Kennedy (US Patent No. 5,260,015), and further in view of Weirich (WO 97/25893), Verona (WO 99/22619 or US Patent No. 6,197,404), and/or Shepard '452 (WO 99/11452).

Murasaki discloses a method of forming a fastener product by providing a rotating mold roll (2) having mold cavities (5) shaped to form loop-engageable fastener hook elements, introducing in a longitudinal direction separate spaced apart amounts of molten resin to the mold roll in a manner to fill the mold cavities and form respective resin bases at the surface of the mold roll (column 4, lines 10-13; column 6, lines 53-60), introducing a pre-formed sheet material (12) to the spaced apart amounts of resin to laminate a surface of the material to the bases, the bases being spaced apart from

each other and the sheet material extending laterally across the resin bases such that the surface is exposed in at least one resin-free region of the material extending between the bases, cooling the resin in the mold cavities to form molded fastener hook elements integrally molded with and extending from the bases (column 4, lines 25-48), and then pulling the molded fastener hook elements from the mold cavities of the rotating mold roll to separate the molded fastener hook elements from the mold roll to form a web carrying fastener hook elements (column 4, line 58 to column 5, line 8).

As to the limitation that the sheet material is elastically stretchable (elastic web), Murasaki emphasizes a fastening material that is conformable and flexible but does not specifically disclose an elastic web. Murasaki also discloses forming the loop engageable fastener hooks of resin by impregnating through the pre-formed sheet and then molding the regions of resin to form the resin fastener hooks. Kennedy discloses providing the resin region on only one surface of the web only to a degree to firmly hold the resin region to the web and does not encase or impregnate the web to destroy the aesthetic characteristics as a functional backing material to modify the back surface of the fastener (column 2, lines 20-53). Furthermore, as to claim 98, Kennedy discloses using loop material as the web material in order to form back to back fasteners with less bulk (column 2, lines 40-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to form the web as shown in Murasaki with bands of resin regions where the resin is applied to only one surface of the web in order to not fully encase or impregnate the web and to not destroy the aesthetic characteristics of the web and to modify the back surface of the fastener to include functional surfaces such

Art Unit: 1733

as loop material as shown by Kennedy. While both Murasaki and Kennedy disclose the web can be a variety of known materials including woven and non-woven webs, they do not particularly disclose providing an elastic web material. However, it is well within the purview of one of ordinary skill in the art to provide conventionally well known materials such as an elastic material as the web material for webs of fastening materials in a variety of applications including loop material. This is particularly true since Murasaki emphasizes a fastening material that is conformable and flexible. Furthermore, Kennedy discloses the improvement that the web material is a loop material and these materials are well known to be elastic materials as exemplified by Weirich, Verona, and/or Shepard '452. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the web in Murasaki and Kennedy of an elastic material as is well within the purview of one of ordinary skill in the art since Murasaki discloses the importance of flexibility of the material and Kennedy discloses the preference of using loop material as the web material which is well known to be elastic as exemplified by Weirich, Verona, and/or Shepard '452, only the expected results would be attained.

As to claim 85, the mold roll in Murasaki has cavities arranged to form longitudinally continuous spaced apart bands of loop-engageable fastener elements (column 4, lines 25-48). As to claims 87 and 96, Weirich and Verona both show a known material for loop fastener webs where the material is elastically stretchable in only a transverse direction. As to claims 88 and 89, Weirich, Verona, and/or Shepard '452 all disclose that the elastic material includes a textile component that is a stretchable nonwoven material that defines hook engageable loops. As to claim 93, the

Art Unit: 1733

molded fastener elements in Murasaki are molded to have crooks that individually point in a given direction (column 7, lines 45-59). As to claim 94, Murasaki discloses the bases comprise longitudinally continuous bands of the resin, with longitudinally exposed regions of sheet material therebetween (see figures). As to claim 95, the fastener elements in Murasaki each have a molded stem that tapers outwardly to narrower dimension from a relatively wide width at its base (see figures). As to claim 97, Weirich discloses that the sheet comprises a layer of thermoplastic elastomer. As to claim 99, Weirich discloses hook engageable loops on both sides of the web material, thus hook-engageable loops would lie on the same side of the pre-formed sheet material as and closely adjacent to the bases when used with the method as shown by Murasaki and Kennedy. As to claim 100, Weirich discloses the web comprises multiple layers including an upper layer (this layer would be the layer laminated to the bases; trilaminate). As to claim 101, in Weirich the preformed sheet material includes a lower elastically stretchable layer (trilaminate).

As to claim 90, the nonwoven material in Shepard '452 comprises a needled batt of staple fibers which has been stretched in both directions with a binder stabilizing the material in said stretched state. Verona discloses it is known in the art to stretch the web substantially in one direction only while the batt has been allowed to neck in the cross machine direction, whereby the material is substantially elastically stretchable in only one direction corresponding to the direction in which it has not been stretched during manufacture in order to form a material stretchable in the cross machine direction. It would have been obvious to one of ordinary skill in the art at the time of the

invention to stretch the nonwoven material in Shepard '452 in order to allow the material to stretch in the cross machine direction as shown by Verona, only the expected results would be attained.

As to claims 102 and 103, it is unclear in Murasaki what the respective widths of the resin bands and the regions in between free from resin are. However, it would have been well within the purview of one of ordinary skill in the art to select the appropriate widths of the bands and regions for the particular end product desired. Only the expected results would be attained by selecting the claimed width of the resin-free region as three to five times wider than the base widths. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of forming fastener products as shown in Murasaki by providing the resin-free regions with a width greater than the bases, in particular three to five times greater as it would have been well within the purview of one of ordinary skill in the art, only the expected results would be attained.

13. Claims 99, 102 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murasaki in view of Kennedy and further in view of Weirich, Verona, and/or Shepard '452 as set forth above for claim 84, 98, and further in view of Shepard '623 (US Patent No. 6,205,623).

It is known in the art to provide loop materials for laminating with hook material where the loop material has different properties. For example, Shepard '623, discloses the loop material may have loops on both sides of the material, thus the loops would lie on the same side of the pre-formed sheet material as and closely adjacent to the bases

Art Unit: 1733

when used with the method as shown by Murasaki and Kennedy. Shepard '623 also discloses forming a product with the width of the resin-free region as three to five times wider than the base widths (column 9, line 64 to column 10, line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of forming the fastener product as shown by Murasaki and Kennedy with the web of a non-woven loop material with qualities known in the art as shown by Shepard '623 in order to provide the desired end product, only the expected results would be attained.

### ***Double Patenting***

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 84, 85, 87-90, 93-103 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 51, 62, 72, 79, 86, 87, 90 of copending Application No. 10,271,494 in view of Tuman et al. (US Pub. No. 2001/0016245), Kennedy (US Patent No. 5,260,015), and/or

Art Unit: 1733

Weirich (WO 97/25893), Verona (WO 99/22619 or US Patent No. 6,197,404), and/or Shepard '452 (WO 99/11452).

The claims in the copending Application No. 10,271,494 recite all the limitations of the present Application claims 84, 85, 88, 89, 93-95, 97-103 except for the limitation that the web is elastic and the limitation that the fastener elements are hooks. As discussed above, it is known in the art to form loop material from elastic webs as exemplified by Tuman, or alternatively Weirich, Verona, and/or Shepard '452.

Additionally, as discussed above, it is known in the art to provide the mold cavities on a mold roll shaped to form hook elements as shown in Kennedy. It would have been obvious to one of ordinary skill in the art at the time of the invention to form the fastener elements as shown by Application No. 10,271,494 by providing the loop material as elastically stretchable loop material as exemplified by Tuman, or alternatively Weirich, Verona, and/or Shepard '452 and providing the mold roll with cavities shaped to form hook fastener elements as shown by Kennedy.

This is a provisional obviousness-type double patenting rejection.

16. Claims 84, 85, 87-90, 93-103 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, of copending Application No. 10/803682 in view of Tuman et al. (US Pub. No. 2001/0016245), Kennedy (US Patent No. 5,260,015), and/or Weirich (WO 97/25893), Verona (WO 99/22619 or US Patent No. 6,197,404), and/or Shepard '452 (WO 99/11452).

Art Unit: 1733

The claims in the copending Application No. 10/803682 recite all the limitations of the present Application claims 84, 85, 88, 89, 93-95, 97-103 except for the limitation that the web is elastic and the limitation that the fastener elements are hooks. As discussed above, it is known in the art to form loop material from elastic webs as exemplified by Tuman, or alternatively Weirich, Verona, and/or Shepard '452. Additionally, as discussed above, it is known in the art to provide the mold cavities on a mold roll shaped to form hook elements as shown in Kennedy. It would have been obvious to one of ordinary skill in the art at the time of the invention to form the fastener elements as shown by Application No. 10/803682 by providing the loop material as elastically stretchable loop material as exemplified by Tuman, or alternatively Weirich, Verona, and/or Shepard '452 and providing the mold roll with cavities shaped to form hook fastener elements as shown by Kennedy.

This is a provisional obviousness-type double patenting rejection.

### ***Response to Arguments***

17. Applicant's arguments filed May 10, 2004 have been fully considered but they are not persuasive.

Applicant argues on page 13 that Kennedy fails to teach the use of elastic materials nor an in situ lamination process with a web having elastic characteristics. However, Kennedy does teach in situ lamination process where the web is of a loop material, and it is well known in the art that loop materials have elastic properties as exemplified by Weirich, Verona, and/or Shepard '452.



Applicant argues on page 13 that Weirich, Verona, and/or Shepard '452 do not show a method of forming a fastener product by laminating a pre-formed elastic sheet material to spaced apart resin bases while forming hook-shaped fastener elements but instead show elastic loop materials. These references were cited to show that it is known in the art to form loop materials that are elastic. The reference Murasaki shows a method of laminating spaced apart resin bases to a base web while forming hook-shaped fasteners. Kennedy discloses that the base webs in these methods is preferably a loop material in order to provide double sided fastener products in less steps. Therefore, one practicing Murasaki would provide the base web out of loop material in order to reduce steps as shown by Kennedy and one would also select known materials for the loop web such as elastic webs as shown by Weirich, Verona, and/or Shepard '452.

Applicant argues on page 13 that there is no motivation to make the modification to the method in Murasaki because Murasaki discloses injecting the resin through a very open sheet-like connector while Kennedy discloses in situ lamination where the molten resin does not flow through the backing material, and that the references Weirich, Verona, and/or Shepard '452 do not suggest the disclosed materials would work in the process by Murasaki. The reference Murasaki discloses that the web may be a non-woven cloth, paper etc. Kennedy discloses that it is preferable in the art to provide the resin only on one side of the web connector in order to prevent destruction of the backing's aesthetic characteristics. Kennedy further discloses that the non-woven web is a loop material in order to provide the fastener product with a back to

Art Unit: 1733


back structure, thus reducing later laminating steps. Weirich, Verona, and/or Shepard '452 all disclose examples of known elastic materials for loop webs in the art. Therefore one of ordinary skill in the art would be motivated to provide the resin in Murasaki only to one side of the web (thus negating the necessity of an open structured web) in order to reduce the destruction of the aesthetic appearance of the backing and to use a web that is of a loop material in order to provide a back to back structure as shown by Kennedy. Furthermore, the references Weirich, Verona, and/or Shepard '452 show known elastic materials for forming conventional loop webs.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gladys J Piazza Corcoran whose telephone number is (571) 272-1214 until December 18, 2003 and (571) 272-1214 afterwards. The examiner can normally be reached on M-F 8am-5:30pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.

  
Gladys J. Corcoran  
Examiner  
Art Unit 1733

GJPC